Authority in other jurisdictions is uniformly against the holding in the principal case. A driver having the right of way at a street crossing is not justified in plunging ahead regardless of consequences nor failing to exercise ordinary care to avoid injury to others. *Glatz* v. *Kroeger Bros. Co.,* 168 Wis. 635. "If we assume the defendant had the right of way the conditions must be such as to justify him in the absolute exercise of the right. In any event, his right on the highway is not exclusive, but at all times relative and still subject to the fundamental common law doctrine: *Sic utere tuo ut alienum non laedas.*" *Paulsen* v. *Klinge,* 92 N. J. L. 99. The right of precedence at a crossing has no application where one not having that right approaches the crossing and has no reasonable grounds for apprehending a collision because of the distance from the crossing of one having such right. *Barnes* v. *Barnett,* 184 Iowa 936. Furthermore, "the rule regarding the right of way does not impose upon the person crossing the street the duty of assuming that the other will continue to cross an intersecting street without slowing down, as required by law." *Whitelaw* v. *McGilliard,* 179 Cal. 349. Perhaps in the principal case the fact was that the plaintiff was guilty of contributory negligence because of a failure to yield the defendant the right of way, but whether or not this was so should have been found as a matter of fact rather than as a matter of law.

PERJURY—ACQUITTAL OF CRIME CHARGED NO BAR TO SUBSEQUENT PROSECUTION FOR PERJURY.—Defendant was convicted of perjury for giving false testimony at a previous trial in which he was acquitted of a charge of receiving stolen property. The conviction of perjury was inconsistent with the prior acquittal. *Held,* acquittal was no bar. *People* v. *Niles* (Ill., 1921), 133 N. E. 252.

The general rule is that acquittal on a criminal charge is no bar to a subsequent prosecution of the defendant for perjury. The cases of *United States* v. *Butler,* 38 Fed. 498, and *Cooper* v. *Commonwealth,* 106 Ky. 909, to the contrary, have been seriously questioned and expressly overruled respectively by *Allen* v. *United States,* 194 Fed. 664, and *Teague* v. *Commonwealth,* 172 Ky. 665. In some cases it has been said that if the conviction of perjury necessarily contradicts the previous acquittal, the latter is a bar. *Chilwood* v. *United States,* 178 Fed. 442; *State* v. *Smith,* 119 Minn. 107. The logic of treating the matter as *res judicata* is somewhat impaired by recalling that the prior acquittal was essentially a failure to find the defendant guilty beyond a reasonable doubt rather than a finding that he was not guilty. Thus, if an acquittal were held conclusive of the fact *a fortiori,* a conviction should have the same effect. Sound policy seems to require that a defendant taking the stand in his own behalf should not be able to perjure himself with utter impunity, nor should his immunity depend upon the convincingness with which he lies. For notes and citations of authorities see 39 L. R. A. (n. s.) 385; L. R. A. 1917 B 743.

PUBLIC UTILITY CORPORATIONS—RIGHT TO DISCONTINUE SERVICE.—The O Company entered into a contract with a village to supply it with gas for ten